

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE: CANON U.S.A. DATA BREACH
LITIGATION

Case No. 1:20-CV-06239-AMD-SJB

This Document Related To:

All Actions

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Michael Finnigan, Kenneth Buchbinder, Brian McCartney, Tyrone Villacis, Luis Pichardo, Andrew Hamid, Amy Lynn Hamid, Woodrow Moss, and Diana Rouse (“Class Representatives” or “Plaintiffs”) hereby move this Court for final approval of the class action settlement preliminarily approved by this Court on November 15, 2023. Plaintiffs respectfully request that this Court:

1. Grant final certification of the Settlement Class, appoint Plaintiffs Michael Finnigan, Kenneth Buchbinder, Brian McCartney, Tyrone Villacis, Luis Pichardo, Andrew Hamid, Amy Lynn Hamid, Woodrow Moss, and Diana Rouse as Class Representatives, and appoint John Yanchunis, Esq. and Gary M. Klinger, Esq. as Lead Class Counsel, and Lori Feldman, Esq. as additional Class Counsel;
2. Find that the Notice met the requirements of due process and Federal Rule of Civil Procedure 23;
3. Find the terms of the Settlement Agreement to be fair, reasonable, and adequate and approved, adopted, and incorporated by the Court;
4. Direct the Parties, their respective attorneys, and the Claims Administrator to consummate the Settlement in accordance with the Court Order and the terms of the Settlement Agreement, resolve all claims against all parties in this Action, and issue the Proposed Final Approval Order.

This Motion is based on the Supporting Memorandum filed herewith; the Settlement Administrator Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Notice Plan and Notices; the Declaration of Gary M. Klinger; the Amended Settlement Agreement entered into between the parties as well as the Notices issued to the Class at ECF 61-1; Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, Supporting Memorandum, and Supporting

Declarations at ECF 61-64; the Parties Joint Memorandum in Response to the Court's September 11, 2023 Order Regarding Motion for Preliminary Approval at ECF 65; and Plaintiff's Motion for Approval of Attorneys' Fees, Expenses, and Service Awards and accompanying documents at ECF 69; and all other pleadings and papers on file in this action; and any oral argument that may be heard by this Court at or prior to the Final Approval Hearing.

Wherefore, Plaintiffs respectfully request that this Court grant this motion and grant the Motion for Final Approval of the Class Action Settlement.

Date: Apr. 11, 2024

/s/ John A. Yanchunis

Gary M. Klinger

MILBERG COLEMAN BRYSON PHILLIPS

GROSSMAN, PLLC

227 W. Monroe Street, Suite 2100

Chicago, IL 60606

Tel: 866.252.0878

gklinger@milberg.com

Gary S. Graifman

Melissa R. Emert

**KANTROWITZ, GOLDHAMER &
GRAIFMAN, P.C.**

747 Chestnut Ridge Road

Chestnut Ridge, New York 10977

Tel: (845) 356-2570 / Fax: (845) 356-4335

ggraifman@kgglaw.com

memert@kgglaw.com

John A. Yanchunis

**MORGAN & MORGAN COMPLEX
BUSINESS DIVISION**

201 N. Franklin Street, 7th Floor

Tampa, Florida 33602

(813) 223-5505

jyanchunis@ForThePeople.com

rmaxey@ForThePeople.com

M. Anderson Berry

**CLAYEO C. ARNOLD,
A PROFESSIONAL CORP.**

865 Howe Avenue

Sacramento, CA 95825

(916) 777-7777
aberry@justice4you.com

Lori G. Feldman, Esq.
GEORGE GESTEN MCDONALD, PLLC
102 Half Moon Bay Drive
Croton-on-Hudson, New York 10520
Phone: (917) 983-9321
Fax: (888) 421-4173
Email: LFeldman@4-justice.com
E-Service: eService@4-Justice.com

David J. George, Esq.
Brittany L. Brown, Esq.
GEORGE GESTEN MCDONALD, PLLC
9897 Lake Worth Road, Suite #302
Lake Worth, FL 33467
Phone: (561) 232-6002
Fax: (888) 421-4173
Email: DGeorge@4-Justice.com
E-Service: eService@4-Justice.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certified that on April 11, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ John A. Yanchunis